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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091.601	03/07/2002	Ahti Muhonen	P 290644	7674
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PILLSBURY WINTHROP SHAW PITTMAN, LLP			EXAMINER	
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MCLEAN, VA 22102				
			ART UNIT	PAPER NUMBER
			2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/091,601	Applicant(s) MUHONEN, AHTI	
	Examiner Kerri M. Dyke	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/05/06 have been fully considered but they are not persuasive. Applicant argues that Boltz teaches only circuit switched calls and therefore provides no motivation for combination with GSM. On the contrary, Boltz specifically discloses operating in a GSM cellular network in column 3 lines 28-30.
2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., receive access rights) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The access conditions are claimed in a list where only one of the limitations in the list is sufficient to reject the claim. Boltz teaches access rights for sending packets to parties outside the group.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over GSM 2.60 v8.0.0 (provided by the applicant and hereinafter GSM) in view of Boltz (US 6,311,055).
3. In regards to claim 1, GSM discloses a method of providing closed user group service in a mobile communication system enabling packet-switched data services and comprising at least

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one network element controlling point to multipoint packet services and at least one group comprising a plurality of group subscribers (see pages 15-27 and most especially section 5.2.3).

GSM does not disclose the method comprising:

- a. determining for said network element closed user group access conditions for at least one subscriber belonging to the group, said access conditions comprising at least one of the following conditions:
 - i. right to send/receive packets to/from parties outside the group,
 - ii. right to send/receive packets to/from a part of the group substantially simultaneously without communicating with all members of the group,
- b. checking said access conditions in said network element when packets are being sent to/from at least one subscriber, and
- c. transferring packets from said network element to desired addresses if said access conditions allow the transmission.

Boltz discloses access conditions for making outgoing calls in column 5 lines 6-17. The outgoing call access list is applied for all call attempts and therefore encompasses the right to call outside the group as long as the number is not on the barred call list. Figure 3 discloses that the barred list is consulted each time packets are sent from the subscriber. Column 7 lines 45-55 disclose that the call is allowed if access conditions permit the transmission.

It would have been obvious to one of ordinary skill in the art to modify GSM's closed groups to include the access conditions of Boltz because doing so allows for greater call flexibility, as taught by Boltz in column 10 lines 1-4.

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4. In regards to claim 2, GSM and Boltz disclose a method according to claim 1, wherein the addresses that are allowed are determined in said access conditions. Boltz discloses keeping a list of barred addresses in column 5 lines 6-9. Therefore, the addresses that are allowed are determined in the access conditions by their absence from the list.

5. In regards to claim 3, GSM and Boltz disclose a method according to claim 1, wherein outgoing and incoming access conditions separately are determined in said access conditions. Boltz discloses a call barring list, but allows all incoming calls. The access conditions are separately determined because the lack of prohibitions on incoming calls can be seen as one access condition, while the call barring list can be seen as a separate, outgoing call access condition.

6. In regards to claim 4, GSM and Boltz disclose a method according to claim 1, wherein adjacent packets are transferred without rechecking said access conditions after first packet, in response to the checking of said access conditions of the first packet and the source and the destination addresses in the adjacent packets being the same as in the first packet. Boltz discloses checking the called number against the called list before call establishment in figure 3. Once the call is established, the call is not continuously checked against the barred list. Therefore, subsequent packets with the same source and destination information are not rechecked before transmission.

7. In regards to claim 5, GSM and Boltz disclose a method according to claim 1, wherein a group is selected for the subscriber during the activation of data transfer arrangement for a mobile station of the subscriber, and the access conditions of the selected group are used when packets to/from the subscriber are being sent until the data transfer arrangement is deactivated or

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reconfigured. GSM section 6.1 on page 41 discloses that upon activation the service profile may be set to default values, which will be used until the service profile is reconfigured. The access conditions disclosed by Boltz are part of the service profile. In order to participate in PTM the subscriber must be a member of at least one group, so a default group is selected if one was not specified.

8. In regards to claim 6, GSM and Boltz disclose a method according to claim 5, wherein the data transfer arrangement is packet data protocol PDP context. Section 5.2.3 on page 19 of GSM discloses that IP-M can be used for the closed groups. IP is a PDP, as disclosed in the definition of PDP on page 11 of GSM.

9. In regards to claim 7, GSM and Boltz disclose a method according to claim 1, wherein the used group is identified when data packets are being sent, and the access conditions of the identified group are used for the data packets. Page 20 discloses the message contains a group identifier and the group has the same conditions. Boltz discloses access conditions in column 5 lines 6-9.

10. Claim 8 is for a system, or set of devices, which can accomplish the method of claim 1. GSM discloses at least one network element controlling PTM services in section 5, specifically pages 15-27. GSM does not disclose the access conditions.

Boltz discloses access conditions for making outgoing calls in column 5 lines 6-17. The outgoing call access list is applied for all call attempts and therefore encompasses the right to call outside the group as long as the number is not on the barred call list. Figure 3 discloses that the barred list is consulted each time packets are sent from the subscriber. Column 7 lines 45-55 disclose that the call is allowed if access conditions permit the transmission.

It would have been obvious to one of ordinary skill in the art to modify GSM's closed groups to include the access conditions of Boltz because doing so allows for greater call flexibility, as taught by Boltz in column 10 lines 1-4.

11. Claim 9 is a combination of claims 2 and 3. It is rejected upon the same grounds of rejection as claims 2 and 3.

12. Claims 10-13 are rejected upon the same grounds as claims 4-7 respectively.

13. Claim 14 is for a network element that can accomplish the method of claim 1. GSM discloses at least one network element controlling PTM services in section 5, specifically pages 15-27. GSM does not disclose the access conditions.

Boltz discloses access conditions for making outgoing calls in column 5 lines 6-17. The outgoing call access list is applied for all call attempts and therefore encompasses the right to call outside the group as long as the number is not on the barred call list. Figure 3 discloses that the barred list is consulted each time packets are sent from the subscriber. Column 7 lines 45-55 disclose that the call is allowed if access conditions permit the transmission.

14. It would have been obvious to one of ordinary skill in the art to modify GSM's closed groups to include the access conditions of Boltz because doing so allows for greater call flexibility, as taught by Boltz in column 10 lines 1-4.

15. Claims 15-19 are rejected upon the same grounds as claims 2 and 4-7 respectively.

Allowable Subject Matter

16. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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